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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
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AGENDA

Board of Directors Meeting

March 4, 2009

Start Time: 9:30 a.m.

LOCATION

**San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA**

Board of Directors

President

Gary Ovitt, Supervisor
County of San Bernardino

Vice-President

Paul Eaton, Mayor
City of Montclair

Charley Glasper, Mayor
City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Julie McIntyre
City of Barstow

Bill Jahn, Mayor Pro Tem
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Gwenn Norton-Perry, Council Member
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

Mark Nuaimi, Mayor
City of Fontana

Bea Cortes, Council Member
City of Grand Terrace

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Council Member
City of Highland

Rhodes "Dusty" Rigsby, Mayor Pro Tem
City of Loma Linda

Jeff Williams
City of Needles

Alan Wapner, Council Member
City of Ontario

Diane Williams, Council Member
City of Rancho Cucamonga

Patricia Gilbreath, Mayor Pro Tem
City of Redlands

Ed Scott, Council Member
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Jim Harris, Council Member
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Ryan McEachron, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

William Neeb, Council Member
Town of Yucca Valley

Brad Mitzelfelt, Supervisor
County of San Bernardino

Paul Biane, Supervisor
County of San Bernardino

Neil Derry, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Ray Wolfe, Caltrans
Ex-Officio Member

Deborah Robinson Barmack
Executive Director

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

The San Bernardino County Transportation Commission, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.

The San Bernardino County Transportation Authority, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.

The Service Authority for Freeway Emergencies, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.

The Congestion Management Agency, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.

As a Subregional Planning Agency, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

AGENDA

**March 4, 2009
9:30 a.m.**

**Location:
San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby, 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Call to Order - 9:30 a.m. by Supervisor Gary Ovitt

- I. Pledge of Allegiance
- II. Attendance
- III. Announcements
 - Calendar of Events (Pg. 11)
 - City Selection Committee immediately following Board of Directors meeting
- IV. Agenda Notices/Modifications – Vicki Watson

**1. Possible Conflict of Interest Issues for the Board Meeting of Pg. 12
March 4, 2009**

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Notes/Actions:

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under Agenda Item 22.

Administrative Matters

2. **Board of Directors Attendance Roster** Pg. 14
3. **Procurement Report for January 2009** Pg. 18
Receive Monthly Procurement Report. **William Stawarski**
This item was unanimously received by the Administrative Committee on February 11, 2009.
4. **San Bernardino Associated Governments (SANBAG) Financial Audit** Pg. 20
Receive the Annual Financial Audit for FY 2007/2008.
William Stawarski
This item was unanimously received by the Administrative Committee on February 11, 2009.

Subregional Transportation Planning & Programming

5. **Quarterly Administrative Report on SANBAG Federal Funding Programs** Pg. 22
 - 1) Receive report on quarterly reporting and obligation status.
 - 2) Adopt a finding of compliance with obligation requirements for all affected agencies. **Ty Schuiling****This item was reviewed and unanimously recommended for approval by the Planning and Programming Committee on February 18, 2009 and by the Mountain Desert Committee on February 20, 2009.**

Consent Calendar Continued....

Subregional Transportation Planning & Programming (Cont.)

6. **Majestic Realty Proposal to Build a National Football League (NFL) Stadium and 3 Million Square Feet of Other Commercial, Office, and Industrial Facilities in the City of Industry** Pg. 27

Note direction by the Plans and Programs Committee to send a letter (Attachment 1) to the project sponsor as described in the "Reviewed By" section. **Ty Schuiling**

The Plans and Programs Policy Committee, on February 18, 2009 directed staff to send a letter to the project proponents requesting that consideration be given to the results of a Regional Transportation Analysis of the project by the Southern California Association of Governments (in preparation) and further, that the project proponents give all reasonable consideration to event access by modes other than driving to minimize traffic impacts that may otherwise extend into San Bernardino County.

Program Support/Council of Governments

7. **Resolution Supporting the Green Valley Initiative** Pg. 32

Approve Resolution No. 09-009 supporting the efforts of the Green Valley Initiative. **Duane Baker**

This item was reviewed by the Administrative Committee on February 11, 2009 and unanimously recommended for approval.

8. **Amendment to Budget Task 80509000 – Building Operations** Pg. 35

Approve an amendment to Budget Task 80509000 – Building Operations, increasing the expenses \$4,800 for professional services for a budget authority of \$69,800; and amend the funding sources to include an additional \$6,000 from Amtrak. **William Stawarski**

This item was unanimously recommended for approval by the Administrative Committee on February 11, 2009.

Project Development

9. **Amendment No. 9 to Contract 99-030 with Parsons Brinckerhoff Quade & Douglas, Inc. (PBQ&D) for Design Services for the Route 30/210 Segment 11 Project** Pg. 37

Approve Amendment No. 9 to Contract 99-030 with Parsons Brinckerhoff Quade & Douglas, Inc. (PBQ&D) increasing the contract amount by \$405,000 for a new total of \$14,830,884.66. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on February 12, 2009. SANBAG Counsel has reviewed and approved the amendment as to form.

Consent Calendar Continued....**Project Development (Cont.)**

10. **Amendment No. 4 to Contract 04-008 with DMJM HARRIS for PS&E services for the I-215 Segment 5 Project** Pg. 50
Approve Amendment No. 4 to Contract 04-008 with DMJM HARRIS increasing the contract amount by \$220,000 for a new total of \$5,061,673.30. **Garry Cohoe**
This item was reviewed and recommended for approval (13-0-1; Abstained: Wapner) by the Major Projects Committee on February 12, 2009. SANBAG Counsel has reviewed and approved the amendment as to form
11. **Amendment No. 1 to Construction Cooperative Agreement No. 05-035 with Caltrans for Interstate 10 Mixed Flow Lane Addition in the City of Redlands** Pg. 61
Amendment No. 1 to Construction Cooperative Agreement No. 05-035 with Caltrans for Interstate 10 Mixed Flow Lane Addition in the City of Redlands. **Garry Cohoe**
This item was reviewed and unanimously recommended for approval by the Major Projects Committee on February 12, 2009. SANBAG Counsel has reviewed and approved the amendment as to form.
12. **Escrow Agreement with the City of Rialto for the construction and construction management of the I-10/Riverside Avenue Interchange Improvement Project** Pg. 68
Approve Escrow Agreement with the City of Rialto for the construction and construction management of the I-10/Riverside Avenue Interchange Improvement Project. **Garry Cohoe**
This item was reviewed and unanimously recommended for approval by the Major Projects Committee on February 12, 2009. SANBAG Counsel has reviewed and approved the agreement as to form.
13. **I-215 Bi-County High Occupancy Vehicle (HOV) Gap Closure Project** Pg. 83
Approve Cooperative Agreement No. C09145 with RCTC for preparation of Project Approval and Environmental Document (PA&ED) for the I-215 Bi-County HOV Gap Closure Project. **Garry Cohoe**
This item was reviewed and unanimously recommended for approval by the Major Projects Committee on January 15, 2009. SANABG Counsel has reviewed and approved the agreement as to form.

Consent Calendar Continued....**Transit/Commuter Rail****14. No-Cost License Agreement C09168 with the City of Rialto Pg. 97**

Approve License Agreement (SANBAG Agreement C09168) with the City of Rialto for the construction, maintenance and use by the public as a bikeway and pedestrian walkway and associated landscaping and appurtenances between Maple Avenue (Mile Post 534.12) and Cactus Avenue (Mile Post 535.38). **Mike Bair**

This item was reviewed by the Plans and Programs Committee on February 18, 2009 and unanimously recommended for approval.

15. Award of Federal Transit Administration Sections 5316 – Job Access Reverse Commute and Section 5317 – New Freedom Grant Program Pg. 126

Approve award of FTA Section 5316 and Section 5317 to the following sponsors and projects:

1. Omnitrans – Production of a travel training DVD; \$24,000 NF
2. Omnitrans – Expanded ADA service beyond ¾ mile boundary; \$173,754 NF
3. Inland Valley Drug and Alcohol Recovery Center – Operating Expenses and Capital expense for replacement vehicle and transportation services; \$110,498 NF
4. Victor Valley Transit Authority – Increased frequency on bus routes; \$258,465 JARC
5. Victor Valley Transit Authority – Mobility Manager for the Victor Valley; \$108,493 NF. **Mike Bair**

This item was reviewed by the Plans and Programs Committee on February 18, 2009 and unanimously recommended for approval.

16. Contract with Michael A. Bair for Transit and Rail Consultation Services Pg. 130

Approve Contract No. C09148 between Michael A. Bair and SANBAG to provide services related to the implementation of Transit and Rail programs. The contract is to cover a period until June 30, 2009 and is for an amount not to exceed \$31,680. **Duane A. Baker**

This item was reviewed by the Administrative Committee on January 14, 2009 and unanimously recommended for approval. The contract has been reviewed as to form by Legal Counsel.

Consent Calendar Continued....

Transportation Programs & Fund Administration

17. Findings from the September 2008 Transportation Development Act Unmet Transit Needs Public Hearings Pg. 138

Adopt Resolution 09-008 Resolution of the San Bernardino County Transportation Commission Adoption of Unmet Transit Needs Findings for the Public Hearings held in September 2008. **Mike Bair**

This item was reviewed by the Mountain/Desert Committee on February 20, 2009 and unanimously recommended for approval.

DISCUSSION ITEMS

Transit/Commuter Rail

18. Southern California Regional Rail Authority (SCRRA) Sealed Corridor Program and Land Use Decisions Effecting Highway Grade Crossing Safety Pg. 163

Receive presentation on the SCRRA Sealed Corridor Program and the effect of land use decisions on highway grade crossing safety. **Mike Bair**

This item has not received prior policy committee review and is being brought directly to the Board for presentation.

Administrative Matters

19. Notice of Presidential Appointments to Commuter Rail Committee Pg. 165

Note appointments of the SANBAG Board President to fill vacancies on the SANBAG Commuter Rail Committee:

1. Council Member Bea Cortes, City of Grand Terrace has been reappointed to serve on the SANBAG Commuter Rail Committee.
2. Council Member Larry McCallon, City of Highland has been reappointed to serve on the SANBAG Commuter Rail Committee.
3. Supervisor Neil Derry, San Bernardino County, Third District has been appointed to serve on the SANBAG Commuter Rail Committee.
4. Mayor John Pomierski, City of Upland has been appointed to serve on the SANBAG Commuter Rail Committee. **Duane Baker**

This item has not received prior policy committee review.

Discussion Items Continued....

Program Support/Council of Govts.

20. SANBAG's 2009 Advocacy Trip to Washington D.C. Pg. 167

Receive report on SANBAG's Washington, D.C. Advocacy Trip.
Jennifer Franco

This item has had no prior policy committee review.

21. Federal Economic Stimulus Report and Recommendations Pg. 169

Receive report and provide direction relative to the Federal American Recovery and Reinvestment Act (ARRA), California implementation, and SANBAG strategy. **Deborah Robinson Barmack**

This item has had no prior policy committee review. An informational report is scheduled for the March Board of Directors meeting with specific proposals to be presented at a future meeting.

Other Matters

22. Consent Calendar Items Pulled for Discussion

Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

Comments from Board Members

Brief Comments from Board of Directors

Public Comment

Brief Comments by the General Public

CLOSED SESSION

Conference with Legal Counsel - Existing Litigation (Government Code section 54956.9(a))

1. City of Victorville v. Deborah Barmack, et al., Case No. CIVVS 800863
2. In the Matter of the Appeal of SANBAG. State of California Occupational Safety and Health Appeals Board. Docket No. 06-R3D3-3567

Conference with Legal Counsel - Significant Exposure to Litigation (Government Code section 54956.9(b))

Nine Cases

ADJOURNMENT

Additional Information**Agency Reports/Committee Memberships**

Commuter Rail Report Pg. 171

Mayor Pro Tem Patricia Gilbreath

South Coast Air Quality Management Report Pg. 173

Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee (MSRC) Pg. 176

Council Member Gwenn Norton-Perry

SCAG Committees

Pg. 180

SCAG Regional Council

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees

Pg. 181

Acronym List

Pg. 184

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008



Important Things to Know for ... March 2009

SANBAG Meetings – Cancelled:

None

SANBAG Meetings – Scheduled:

Administrative Committee	Mar. 11	9 a.m.	The Super Chief
Major Projects Committee	Mar. 12	9 a.m.	The Super Chief
Plans and Programming Committee	Mar. 18	12 noon	The Super Chief
Commuter Rail Committee	Mar. 19	12 noon	The Super Chief
Mountain-Desert Committee	Mar. 20	9 a.m.	Town of Apple Valley

Other Meetings:

San Bernardino City-County Conference	Mar. 26-27		Lake Arrowhead Resort
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For additional information, please call SANBAG at (909) 884-8276
